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10/540,563	12/07/2005	Taichi Kobayashi	Q88775	6718
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EXAMINER				
JONES, JAMES				
ART UNIT		PAPER NUMBER		
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/540,563

**Applicant(s)**

KOBAYASHI ET AL.

**Examiner**

JAMES C. JONES

**Art Unit**

2873

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1-10 are rejected under 35 U.S.C. 102(a) as being anticipated by Yoshiro (2002-196739) hereafter '739.

'739 discloses the limitations therein including the following:

Regarding claim 1 '739 discloses an image display device which comprises an image display panel (abstract, fig. 1), in which two or more groups of particles having different colors and different charge characteristics are sealed in a plurality of cells formed by partition walls between two substrates (abstract, fig. 2(A), 2(B), 3, 7, par. [0050] "42" and "40" as the "two different particles" "23" and "20" as the "substrates") at least one of two substrates being transparent and, in which the particles (par. [0047]-[0048]), to which an electrostatic field produced by electrodes provided to both of the substrates is applied, are made to move so as to display an image (fig. 2(A), 2(B), 3, 7, par. [0041]-[0045][0057]-[0059] "25" and "22" as the "electrodes"), wherein a coating area of the electrode provided on two substrates respectively is patternized with respect to a projected area of respective cells (fig. 2(A), 2(B), 3, 7, par. [0047]- [0048] [0054]-[0055]).

Regarding claim 2 '739 discloses the image display device according to claim 1, wherein at least one of the electrodes provided on the two substrates respectively has a coating area in respective cells of 5-99% with respect to a projected area of respective cells (fig. 2(A), 2(B), 3, 7, 9, par. [0047]- [0048] [0054]-[0055] note: the electrodes are formed of an insulating coat layer so the electrode inherently will have a coating area).

Regarding claim 3 '739 discloses the image display device according to claim 1, wherein at least one of the electrodes provided on the two substrates respectively has a coating area in respective cells of 30-90% with respect to a projected area of respective cells (fig. 2(A), 2(B), 3, 7, 9, par. [0047]- [0048] [0054] [0055]).

Regarding claim 4 '739 discloses the image display device according to claim 2, wherein a contact dimension between at least one of the electrodes provided on the two substrates respectively and the partition wall is less than 50% of an inner peripheral dimension of respective cells (fig. 2, 3, 7).

Regarding claim 5 '739 discloses an image display device which comprises an image display panel (abstract), in which two or more groups of particles having different colors and different charge characteristics are sealed in a plurality of cells formed by partition walls between two substrates (abstract, fig. 2(A), 2(B), 3, 7, par. [0050] "42" and "40" as the "two different particles" "23" and "20" as the "substrates"), at least one of two substrates being transparent, and, in which the particles (par. [0047]-[0048]), to which an electrostatic field produced by electrodes provided to both of the substrates is applied, are made to move so as to display an image (fig. 2(A), 2(B), 3, 7, par. [0041]-[0045][0057]-[0059] "22" and "25" as the "electrodes"), characterized in that, in the case

of arranging the image display panel vertically in a stationary manner, the electrode is patternized in such a manner that no electrode portion is formed at a vertically lower portion in respective cells (fig. 2(A), 2(B), 3, 7, par. [0047]-[0048][0054]-[0055] note: that in the case of arranging the image display vertically the electrode "25" will be in the vertical position and the electrode "25" is pattern in such a manner that none of electrode "25" will be in the lower portion in the respective cell).

Regarding claim 6 '739 discloses the image display device according to claim 5, wherein an area of the no electrode portion formed at a vertically lower portion in respective cells is 5-50% with respect to a projected area of respective cells (fig. 2(A), 2(B), 3, 7, 9, based off the figures disclosed in '739 and the broadly claimed range the image display device of '739 will inherently have a no electrode portion, wherein the area of the no electrode portion formed at a vertically lower portion in respective cells is 5-50%).

Regarding claim 7 '739 discloses the image display according to claim 5, wherein an area of the no electrode portion formed at a vertically lower portion in respective cells is 15-45% with respect to a projected area of respective cells (fig. 2(A), 2(B), 3, 7, 9, based off the figures disclosed in '739 and the broadly claimed range the image display device of '739 will inherently have a no electrode portion, wherein the area of the no electrode portion formed at a vertically lower portion in respective cells is 15-45%).

Regarding claim 8 the image display device according to claim 1, wherein the coating area of the electrode provided on two substrates respectively is patternized in such a manner as to prevent uneven distribution of the particles to a portion of the

partition walls formed around the plurality of cells after application of the electrostatic field produced by the electrodes to the particles (fig. 7).

Regarding claim 9 the image device according to claim 1, wherein the coating area of the electrode provided on two substrates respectively is patternized in such a manner as to prevent production of agglutination members at a portion of the partition walls formed around the plurality of cells after application of the electrostatic field produced by the electrodes to the particles (fig. 7).

Regarding claim 10 the image display device according to claim 1, wherein the coating area of the electrode provided on two substrates respectively is patternized in such a manner as to prevent particle drop at center portions of the plurality of cells after application of the electrostatic field produced by the electrodes to the particles (fig. 7).

### ***Response to Arguments***

Applicant's arguments filed 4/16/2008 have been fully considered but they are not persuasive.

I. Applicant argues that Yoshiro does not disclose "a coating area of the electrode provided on two substrates respectively is patternized with respect to a projected area of respective cells". However, figures 2(a), 2(b), 3, 7 depict that the electrode coating area is patternized with respect to a projected area of respective cells. Furthermore, electrode "22" and "25" are patterned so that a piece of the electrode is in each of its respective cell.

II. Applicant argues that Yoshiro does not disclose "the case of arranging the image display panel vertically in a stationary manner, the electrode is patternized in such a manner that no electrode portion is formed at a vertically lower portion in respective cell" However, if the display in figures 7 was turned vertically the there would be no electrode portion (22) (25) at a vertically lower portion in the respective cells.

III. Applicant argues that Yoshiro does not disclose "wherein at least one of the electrodes provided on the two substrates respectively has a coating area in respective cells of 5 – 99% with respect to a projected area of respective cells". However, figs. 2(A) and 7 of Yoshiro depict that the electrode does not cover the full length of the projected area of the respective cells but does in fact cover a substantial amount that would cover the claimed range 5-99%. Furthermore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to have patterned the electrode coating area to cover any desired area or range of the respective cells since such a modification would have involved a mere change in the size of a component. A change in size is generally recognized as being within the level of ordinary skill in the art.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to JAMES C. JONES whose telephone number is (571)270-1278. The examiner can normally be reached on Monday thru Friday, 8 a.m. to 5 p.m. est. time.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ricky Mack can be reached on (571) 272-2333. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Scott J. Sugarman/  
Primary Examiner, Art Unit 2873

/James C. Jones/  
Examiner, Art Unit 2873  
8/14/2008